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ABSTRACT

This brief presents an overview of findings from a U.S. General Accounting Office (GAO) study that investigated how the 1997 amendments to the Individuals with Disabilities Education Act (IDEA) affected the ability of schools to maintain a safe environment conducive to learning. A study surveyed 272 public middle and high school principals regarding the discipline of students who were and were not receiving special education services. In addition, the GAO conducted site visits and interviews with principals in Louisiana, New York, and Wisconsin. Findings from the study indicate: (1) about 81 percent of the schools reported one or more incidents of serious misconduct in the 1999-2000 school year, most of the incidents were acts of violent behavior; (2) the number of incidents of serious misconduct was greater among students not receiving special education services, however, students receiving such services had a higher rate of serious misconduct; (3) 86 percent of principals reported that their local policies provide more protections than the federal IDEA discipline policy for students receiving special education services who engage in serious misconduct; and (4) principals generally viewed discipline policies for students receiving special education services favorably or neutrally. (CR)

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Synthesis Brief

Student Discipline and IDEA – Synthesis of GAO Report

Prepared by Joy Markowitz **Project FORUM at NASDSE** **April 2001**

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Background

At the request of Congress[1], the U.S. General Accounting Office (GAO) conducted a study to determine how the 1997 amendments to the Individuals with Disabilities Education Act (IDEA) affected the ability of schools to maintain a safe environment conducive to learning. The GAO surveyed a nationally representative sample of public middle and high school principals regarding the discipline of students who were and were not receiving special education services. A total of 272 schools responded—a response rate of 60 percent. This rate was too low to be nationally representative; however, these data provide information not available from any other source about IDEA's impact on school discipline. The GAO also conducted site visits and interviews with principals in Louisiana, New York and Wisconsin. The study was conducted between January and December 2000, and the report was issued January 2001.

The purpose of this document is to present a brief overview of GAO's findings. Directions for obtaining a copy of the full GAO report can be found at the end of this document. This synthesis brief was written, produced and disseminated by Project FORUM at the National Association of State Directors of Special Education (NASDSE), as part of its Cooperative Agreement with the U.S. Department of Education's Office of Special Education Programs (OSEP).

Extent and Type of Serious Misconduct

About 81 percent of the responding schools reported one or more incidents of serious misconduct in the 1999-2000 school year. Most of these incidents were acts of violent behavior, generally fistfights, reported by 66 percent of the schools. Drug-related incidents were the next most common (56% reporting). Firearm incidents were much less common (10% reporting).

Students Who Commit Serious Misconduct

The **number** of incidents of serious misconduct was greater among students not receiving special education services. However, students receiving such services had a higher **rate** of serious misconduct. Schools responding to the GAO survey experienced an average of ten incidents of serious misconduct by students not receiving special education services and four incidents by students receiving special education services during the 1999-2000 school year. Rates of misconduct were

[1] H.R. Conference Report No. 105-825 at 1313 (1998)

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calculated per 1,000 students. For every 1,000 students not receiving special education services, there were 15 incidents of serious misconduct. In contrast, for every 1,000 students receiving special education services, there were 50 incidents of misconduct reported. For both students receiving special education services and those not receiving such services, the types of serious misconduct were similar—violent behavior the most common, drug-related incidents the next most common, and firearms the least common.

Effects of Serious Misconduct

The most common effect of serious misconduct on the school community was disruption of student learning, reported by 52 percent of responding principals. The next most common effect (47% reporting) was the amount of time and attention spent by teachers and administrators dealing with the serious misconduct. These survey results were consistent with comments heard on site visits. The effects of serious misconduct were attributed to both students receiving and not receiving special education services. However, principals generally attributed the effects somewhat more frequently to students receiving special education services, especially effects involving time spent in dealing with incidents of serious misconduct.

Nature of Discipline for Serious Misconduct

About 60 percent of students who engaged in serious misconduct were given out-of-school suspensions (58% of those receiving special education services and 64% of those not receiving such services), and two-thirds were suspensions of one to three days (short term). In-school suspension was a relatively rare discipline for engaging in serious misconduct (10% of those receiving and 8% not receiving special education services). There was a similarly low rate of students placed in an alternative educational setting for up to 45 days (11% and 6 %, respectively) and expelled (6% and 9% respectively).[2] Principals referred similar percentages of students receiving and not receiving special education services to the police or juvenile justice system for involvement in serious misconduct (34% of those receiving special education services and 28% of those not receiving such services). Referrals were in addition to the discipline described above.

Educational Services During Suspension or Expulsion Period

Approximately 20 percent of students given a short-term out-of-school suspension received educational services during their suspension, a rate similar for both students receiving (21%) and not receiving (19%) special education services. In comparison, for suspensions of four or more days, the percentage rates were 24 and 16, respectively.

After expulsion from school, a large majority of students receiving special education services were provided educational services, consistent with IDEA requirements. However, only about one-half of students not receiving special education services were provided educational services after expulsion.

Influence of IDEA

Many of the responding principals (86%) reported that their local policies provide more protections than the federal IDEA

[2] "The terms "expulsion" and "alternative educational setting" were not defined in the GAO report.

discipline policy for students receiving special education services who engage in serious misconduct. IDEA and local policies most frequently differ on actions related to student suspension. According to respondents:

- 64 percent reported that they are not allowed to suspend a student receiving special education services for more than 10 cumulative school days during a school year,
- 36 percent reported they are required to provide educational services throughout the suspension period to students who were receiving special education services prior to the suspension, and
- 24 percent reported they are required to determine whether the student's serious misconduct was a manifestation of his/her disability whenever suspension is being considered.[3]

Reactions to Discipline Policies

Responding principals generally viewed discipline policies for students receiving special education services favorably or neutrally. These policies are essentially a combination of IDEA federal regulations and local policy. Specifically, 76 percent of the principals rated their policies as having a positive or neutral effect on their schools' level of orderliness, and 74 percent rated similarly the effect on their schools' safety level. Eighty-seven percent of principals who are required to offer services to suspended students and 72 percent who are required to conduct manifestation determinations rated these policies as having a positive or neutral effect on their ability to properly discipline students receiving special education services. However, principals were more negative about local policies that prohibited actions not prohibited by IDEA. For example, of those principals who reported they are prohibited from suspending students receiving special education services for more than 10 school days over the course of a school year, 50 percent rated this policy as having a negative effect on their ability to properly discipline these students.

A copy of the full GAO report, *Student Discipline - Individuals with Disabilities Education Act* (GAO-01-210), can be ordered as follows:

By mail:	U.S. General Accounting Office P.O. Box 37050 Washington, DC 20012
By phone:	202-512-6000
By fax:	202-512-6061
By TDD:	202-512-2537
By Internet:	info@www.gao.gov http://www.gao.gov

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[3] Under IDEA, students receiving special education services may be expelled only if their misconduct is not a manifestation of their disability [34 C.F.R. 300.524(a)].